

BILL CROSS

Before the
Federal Communications Commission
Washington, DC 20554

In the matter of

Amendments to the amateur service)
rules including amendments for) WT Docket No. 95-57
recognition of the volunteer examiner) RM-8301
session manager and examination credit.) RM-8418

To. The Commission

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COMMENTS OF NCVEC
National Conference of Volunteer-Examiner Coordinators

I: INTEREST IN THIS PROCEEDING:

Congress amended the Communications Act on September 13, 1982, to provide for the use of volunteers to assist the Federal Communications Commission in preparing and administering amateur service license examinations.

Since 1984, all amateur radio operator testing has been conducted under the supervision of umbrella organizations known as Volunteer-Examiner Coordinators (VECs). The actual telegraphy and written examinations are administered by Volunteer Examiners (VEs) who have been approved by their VEC to conduct amateur service license testing. All examinations are administered by teams of three VEs at thousands of conveniently located locations across the country.

There are currently sixteen active VEC organizations and

approximately 30,000 accredited volunteer examiners in the VEC System. Since its inception eleven years ago, VE teams operating under the auspices of these VEC organizations have administered nearly 1.2 million amateur service license examinations to approximately 700,000 persons at some 65,000 examination sessions.

The National Conference of Volunteer-Examiner Coordinators (NCVEC) consists of representatives of all VEC organizations who have entered into an agreement with the Federal Communications Commission to provide amateur radio operator license examinations to the public. Subject to the law and FCC policy, the NCVEC develops testing procedures, all examination questions, and provides guidance on matters impacting the VEC System.

To facilitate communications among the various testing organizations, NCVEC members participate in a continuing online computer network. An annual meeting is held whereby NCVEC members may openly discuss and vote on various issues important to amateur radio operator examinations.

On April 25, 1995, the Commission adopted a Notice of Proposed Rulemaking in WT Docket No. 95-57 which addressed five different amateur service issues. Two of these matters directly impact the VEC System. At their June 23, 1995 conference, the NCVEC voted to take the following positions on RM-8301 and RM-8418:

II. DESIGNATION OF VE SESSION MANAGER

The Rules Committee of the National Conference of Volunteer-Examiner Coordinators petitioned the Commission on July 15, 1993:

"...to require that VECs designate one VE at each amateur operator license examination session who has overall responsibility for proper conduct and necessary supervision of the examination session and who certifies the application form for successful candidates. This designated VE will be referred to as the Contact Volunteer Examiner (CVE.)

Most large amateur radio operator examination sessions necessarily utilize more than three examiners. Many use a "production line" system which involves groups of volunteer examiners performing a single examination function. The VEs role might be assisting or administering telegraphy or written examinations, scoring answer sheets, issuing Certificates of Successful Completion of Examination (CSCE) or processing applications and/or paperwork. Each function is very important and heavily impacts whether or not an examinee obtains a new or upgraded amateur service license.

Due to the number of VEs participating in large examination sessions, however, the three VE's who certify the FCC Form 610 application are frequently not the same ones who administered all of the examinations to the examinee. It is thus difficult for the VEs who sign Form 610 to observe all examining actions as required by Section 97.509(c).

There are three spaces on the Form 610 in which VEs certify that the examinations were properly handled. Each of these certifying VEs are held equally responsible in the event of a problem. This can make enforcement action difficult should an examiner team be found to be knowingly and willfully disregarding or circumventing proper examination practices. Having three examiners certify examinations often divides the responsibility to the point where no one can be held responsible.

Most VECs have a VE who is considered to be in charge and accountable for the proper conduct of the test session. While VEs are organized into teams of three or more persons, it is almost always one examiner who organizes and supervises the activities of the other VEs. This lead examiner usually has custody of the examination materials, submits the test results to the VEC and maintains the session records.

This lead examiner is usually the only person that accepts or disburses expense reimbursement funds and indeed may be the only VE that incurs any out-of-pocket expenses. Some VE teams maintain a checking account which is under the control of the lead examiner.

In short, the lead VE organizes the test session, supervises the VEs and is responsible for the integrity of the test session. It thus follows that the VE who manages the examination session should be more accountable for its conduct and reliability than the other VEs who essentially assist.

Various VECs refer to the supervising volunteer examiner by different names, such as Lead or Contact VE, Chief Examiner or VE Team Liaison. The FCC has chosen to call this person, the VE Session Manager. The NCVEC has no objection to this designation.

We suggest that the following changes be made in the proposed rules.

(1) Change Section §97.515(b) to read:

(b) Before each examination session, the VE session manager must INSURE THAT a public announcement IS MADE stating the location, DATE and time of the session. The number of examinees may be limited.

Reasoning: The VE Session Manager may wish to delegate the public announcement requirement to another individual. The "date" of the examination session is very important.

(2) Change Section §97.515(d) to read:

(d) The VE session manager must maintain a log for the session. The log must include the names of the examinees and indicate the Administering VEs participating. [Eliminate the requirement that the log contain the examination elements administered by each VE.]

Reasoning: The log or applicant manifest usually contains the test session results but not which examination elements were administered by each VE. The answer sheets which are submitted to the VEC Office usually contain this information. Some VECs require VE identification numbers rather than a

name. An alternative addition to §97.515(d) might be:

"The examination session records must indicate the examination elements administered by each VE."

(3) Consider amending the FCC Form 610 application to contain only one VE Session Manager signature line rather than the current three administering VE's.

Reasoning: The second and third VE names and signature may not be the volunteer examiners who administered or observed all of the examinations covered by the application. If only the VE Session Manager signs, the Form 610 certification could be appropriately changed to include the added duties of the VESM. If the Form 610 is maintained in its present form, then there is a question as to who should certify the application: the three VEs who observed the examining action or two Administering VEs plus the VE Session Manager.

Volunteer Examiners usually feel a sense of satisfaction and importance when certifying Form 610 applications. Therefore, all VE's assisting at the test session could be required to certify a locally produced form which is forwarded to the VEC Office with the test session paperwork.

Since original CSCE's may be redeemed at all VEC test sessions, and additional examiners may need to be contacted to verify its authenticity, no change is suggested in the VEC requirement that three administering VE's who observed the examining actions certify the applicant's Certificate of Successful Completion of Examination (CSCE.)

III. EXAMINATION CREDIT

The American Radio Relay League requested on January 6, 1994, that all former amateur service licensees with rekindled interest and lapsed operator licenses be permitted to regain their operating privileges without passing the qualifying examinations. The ARRL proposal, assigned file number RM-8418, provided for relicensing:

"...upon the filing of FCC Form 610 together with proof of the existence of the operator license, without examination, provided that the operator license is not suspended or subject to unresolved enforcement proceedings, and provided further that any formerly held station license was not previously revoked or subject to unresolved enforcement proceedings. ...After the grace period, the station call sign will be deemed relinquished and will not necessarily be available for reassignment to the station licensee."

The ARRL also asked the FCC to amend the amateur service operator license term to lifetime and reword Section 97.23 as follows:

"§97.23 License term

(a) An amateur service station license is normally issued for a ten-year period. An amateur operator license is normally valid for the lifetime of the licensee. Any operator license issued and outstanding on or after [date to be determined by FCC] or which expired not more than two years prior to that date, shall be considered valid for the lifetime of the licensee, unless suspended or revoked, or specifically issued for a shorter term by the commission."

Thus two separate proposals were put forth by the ARRL.

- (1.) Permit all previous amateur service licensees to be relicensed without examination, and;
- (2.) All future amateur service operator (but not station licenses would carry a lifetime term.

The FCC responded in the Notice by proposing that VEs give examination credit for any examination that an applicant had previously passed in obtaining the former amateur service license. The Commission did not separate the amateur operator from the station license, nor did they provide for a lifetime operator license.

The effect, however, is the same. The FCC proposed that any amateur service licensee whose station/operator license had expired could be reactivated by submitting it to a VE team who would grant examination credit equal to the previously held operator license.

It is assumed that any out-of-pocket expenses could be recouped although qualifying examinations would not be administered as required by Section 97.527.

The NCVEC opposes RM-8418 and FCC's proposal in Docket No. WT 95.57.

It is our belief that many, if not most, former amateur service licensees will not have a copy of their expired amateur operator license in their possession. Furthermore, the FCC data base does not contain information on previous licensees beyond the two year grace period.

Newly worded Section 97.505(a)(10) does not provide that VE teams may utilize unofficial means of identifying previous periods of amateur service. These methods might be entries in the Radioamateur Callbook or the availability of QSL confirmation cards. And even if such identification was permitted, there still could be a question on the class of license.

The NCVEC believes there is a fundamental difference between an individual who has let his/her license lapse "years ago" and an amateur who has kept renewing. The difference is that currently licensed amateurs are more up-to-date on FCC rules and technology. Amateurs who have been away from the hobby for long periods of time will find that the amateur service and its regulations have changed drastically. They should undergo some sort of training or refresher course. The examination syllabus provides the needed curriculum.

We believe that it is a travesty to assign a ten year term to an amateur operator license and then permit the

expired license be reactivated indefinitely. The purpose of license examinations in the amateur service is to insure that the applicant is reasonably qualified in amateur operations, equipment, technology and regulations. There should be a way to determine if a previous licensee who has been away from the hobby for what could be decades, still possesses the minimum required knowledge. That mechanism is by passing the required examination elements.

One of the amateur service's primary purposes is advancing skills in both the communication and technical phases of the radio art through self-training. To exempt amateur licensees who have been away from the pursuit for many years from updating their knowledge is contrary to this principle.

Current Certificates of Successful Completion of Examination (CSCE) carry a 365 day term. If expired amateur licenses can be reactivated indefinitely, should not CSCE's also have that privilege? Should a Physician's Certification of a Disability have an unlimited examination credit term? We think not.

The current Part 97 rules already provide for relicensing within a two year grace period after license expiration. Passing the qualifying examinations after that period of time

will insure that the individual is qualified.

The operator licenses of other FCC-licensed services and U.S. government agencies also carry license terms. The Commission should anticipate that any approved expired license handling will also impact these other services and agencies. These licensees will also demand license reactivation based on the amateur service precedent.

Examination credit for expired licenses is not responsive to the needs of the public, nor the radio services administered by the Commission. Simply stated, the NCVEC does not believe that the proper way to rejuvenate interest in the Amateur Service is by reactivating operator licenses that have expired years or decades ago. The rules already provide for renewal of short-term expired licenses.

IV. CONCLUSIONS

Accordingly, for the reasons stated above, the NCVEC concludes that RM-8391, Designation of a VE Session Manager, should be adopted but with the certain editorial amendments. These suggested changes do not alter the basic objective of the Rulemaking and add flexibility to the new rules so that additional administrative burdens will not accrue to the VEC

System.

The NCVEC does not believe that RM-8418 should be adopted. This proposal reactivates a long term expired amateur operator license as a method of granting lifetime operator privileges retroactive to the beginning of amateur radio licensing. It is contradictory to the basis and purpose of the Amateur Service which focuses on amateurs being "...trained operators, technicians and electronics experts."

Respectfully submitted,

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